

State Candidates/Primarily Formed Committees – Q&A

2006 Elections

Q: When does a non-incumbent candidate who does not intend to raise or spend \$1,000 or more file the Candidate Campaign Statement Short Form (Form 470)?

A: The Form 470 must be filed for each calendar year in which the candidate raises or spends any campaign funds (including personal funds). If funds are raised or spent during 2005 (again, total funds raised and spent must be less than \$1,000 for the year), a Form 470 must be filed for 2005 no later than January 31, 2006 (or July 31, 2005, if funds were raised or spent between January 1 and June 30, 2005). A Form 470 covering 2006 may be filed with the candidate's declaration of candidacy, but must be filed no later than the deadline for the first pre-election statement (March 22, 2006, for the June state primary election).

Q: Must a candidate file a late independent expenditure report for payments made by the candidate's controlled committee on his/her behalf during the 16 days prior to the election?

A: No. An "independent expenditure" is a payment made by a third party to support or oppose a candidate – and which is not made in coordination or consultation with the candidate. Therefore, payments made from the candidate's own controlled committee would not be considered "independent expenditures" if they were made on his or her behalf, even if they were made in opposition to the candidate's opponent. In addition, Gov. Code section 85501 prohibits a candidate's controlled committee from making independent expenditures to support or oppose other candidates.

Q: Must a non-controlled committee primarily formed to support or oppose a candidate for elective state office file the 24-hour online disclosure reports if it receives contributions of \$1,000 or more during the 90 days before the election?

A: No. However, if a committee makes an independent expenditure of \$1,000 or more to support or oppose a state candidate or state ballot measure during the 90 days prior to the election, electronic or online reports may be triggered. Additionally, during the 16 days prior to an election, the committee may be required to file late contribution reports or late independent expenditure reports.

Q: Must a committee file a Supplemental Independent Expenditure Report (Form 465) if an independent expenditure supports or opposes multiple ballot measures?

A: Yes, but only if \$1,000 or more was expended to support or oppose each ballot measure in the independent expenditure. A separate Form 465 must be filed for each measure supported or opposed.

Q: *Must a contribution of \$1,000 or more received during the 90-day election cycle be reported within 24 hours if the contribution was received for a different election (for example, a contribution to pay debt from the June election that is received during the 90 days prior to the November election)?*

A: Yes. A state candidate who is required to file electronically with the Secretary of State must file a report within 24 hours for any contribution of \$1,000 or more that is received during the 90 days before the candidate's name appears on the ballot for an elective state office.